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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

FOREMOST SIGNATURE INSURANCE
COMPANY, a Michigan corporation duly
licensed to sell and administer insurance in
The State of Nevada,

Plaintiff,

Vs.

GMUENDER ENGINEERING, LLC, a Nevada
limited liability company; JOSEF C.
GMUENDER and JANE DOE GMUENDER,
husband and wife; MARY E. GMUENDER and
JOHN DOE GMUENDER, husband and wife;
WILLIAM HUBER, parent and guardian of
Ashley Huber and Taylor Huber, individually and
as surviving children of Kelly Huber, deceased;
GRANBY REALTY HOLDINGS, LLC, a
Colorado limited liability company; GRANITE
STATE INSURANCE COMPANY, an Illinois
corporation; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH
PA, a Pennsylvania corporation.

Defendants.

Case No. 3:19-cv-00508-MMD-CLB

**ORDER GRANTING JOINT MOTION
FOR ENTRY OF A STIPULATED
JUDGMENT AGAINST GMUENDER
ENGINEERING, LLC AND JOSEF C.
GMUENDER**

Pursuant to L.R. Civ. 7-1(c), Plaintiff Foremost Signature Insurance Company (“Foremost”) and Defendants Gmuender Engineering, LLC and Josef C. Gmuender (the “Gmuender Defendants”) jointly move to have this Court enter a stipulated judgment against the Gmuender Defendants as described below and as set forth in the form of order submitted with this Joint Motion for Entry of a Stipulated Judgment Against Gmuender Engineering, LLC and Josef C. Gmuender.

Foremost and the Gmuender Defendants stipulate to the following:

1. Foremost is entitled to a judicial declaration against the Gmuender Defendants that there is no coverage under Foremost's Small Business Policy number PAS 01989310, issued to named insured Gmuender Engineering LLC, for the damages sought in the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children.
2. Foremost is entitled to a judicial declaration against the Gmuender Defendants that Foremost owes no past or present duty to defend, indemnify, or reimburse any of this action's Defendants in any amount for any claims in connection with the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children.
3. Foremost will not seek reimbursement from the Gmuender Defendants for any defense fees or defense costs expended in defending the Gmuender Defendants and incurred in *Huber et al. v. Granby Realty Holdings, LLC, et al.*, 1:18-cv-030024-RM-MEH, or *Huber et al. v. Granby Realty Holdings, LLC*, 2019CV30046 through the date this order is granted.
4. Each party will bear its own attorneys' fees and costs.
5. The Gmuender Defendants, their successors, members, managers, heirs, agents, and all making claim of right through or on behalf of the Gmuender Defendants, shall forever be bound by the Court's ruling, orders, and future judgments entered in this captioned litigation.
6. The proposed order is below.

RESPECTFULLY SUBMITTED this 14th day of April 2020.

By: /s/ Gena L. Sluga

Gena L. Sluga

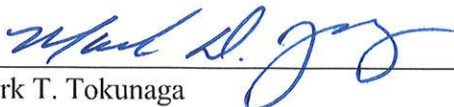
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*Attorney for Defendants Gmuender Engineering, LLC and
Josef C. Gmuender and Jane Doe Gmuender*

ORDER

This Court, having reviewed the Joint Motion for Entry of a Stipulated Judgment Against Gmuender Engineering, LLC and Josef C. Gmuender filed by Foremost Signature Insurance Company (“Foremost”) and Gmuender Engineering, LLC and Josef C. Gmuender (together, the “Gmuender Defendants”), and for good cause appearing:

IT IS HEREBY ORDERED declaring the following against the Gmuender Defendants: There is no coverage under Foremost’s Small Business Policy number PAS 01989310, issued to named insured Gmuender Engineering LLC, for the damages sought in the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber’s wife and injury to Defendant William Huber’s children; and Foremost owes no past or present duty to defend, indemnify, or reimburse any of this action’s Defendants in any amount for any claims in connection with the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber’s wife and injury to Defendant William Huber’s children.

IT IS FURTHER ORDERED that Foremost may not seek reimbursement from the Gmuender Defendants for any defense fees or defense costs expended in defending the Gmuender Defendants in *Huber et al. v. Granby Realty Holdings, LLC, et al.*, 1:18-cv-030024-RM-MEH, or *Huber et al. v. Granby Realty Holdings, LLC*, 2019CV30046 through the date of this order.

IT IS FURTHER ORDERED that each party will bear its own attorneys’ fees and costs.

IT IS FURTHER ORDERED that the Gmuender Defendants, their successors, members, managers, heirs, agents, and all making claim of right through or on behalf of the Gmuender Defendants, shall forever be bound by the Court’s ruling, orders, and future judgments entered in this captioned litigation.

IT IS SO ORDERED:



United States District Judge Miranda M. Du

DATED: December 7, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April 2020, service of the foregoing **JOINT MOTION FOR ENTRY OF A STIPULATED JUDGMENT AGAINST GRANBY REALTY HOLDINGS, LLC** was made upon each party in the case who is registered as an electronic case filing user with the Clerk as follows:

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